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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JONATHAN M. BLOCK
P. O. Box 1805
Bishop, California 93515

Respiratory Care Practitioner License No. 12375

Respondent.

Case No. R-2066

**DEFAULT DECISION
AND ORDER**

[Government Code § 11520]

FINDINGS OF FACT

1. On or about March 28, 2007, Complainant Stephanie Nunez, in her official capacity as Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, State of California, filed Accusation No. R-2066 against Jonathan M. Block (Respondent) before the Respiratory Care Board (Board).

2. On or about January 9, 1989, the Board issued Respiratory Care Practitioner License Number 12375 to Respondent. This license expired on December 31, 2006, and has not been renewed.

3. On or about March 28, 2007, Jennifer Porcalla, an employee of the Complainant Agency, served by Certified and First Class Mail a copy of the Accusation No.

1 R-2066, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
2 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board
3 at P.O. Box 1805, Bishop, California 93515. A copy of the Accusation, the associated
4 supplemental documents, and Declaration of Service are attached as Exhibit A, and incorporated
5 as if fully set forth herein.

6 4. The above-described service of the Accusation was effective as a matter of
7 law pursuant to the provisions of Government Code section 11505, subdivision (c).

8 5. On or about April 24, 2007, the Domestic Return Receipt was signed
9 acknowledging receipt of the Accusation and related documents. A copy of the Domestic Return
10 Receipt is attached as Exhibit B, and incorporated herein by reference.

11 6. Government Code section 11506 states, in pertinent part:

12 "(a) Within 15 days after service of the accusation the respondent may file with
13 the agency a notice of defense. . . .

14 " . . .

15 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
17 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
18 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

19 7. Respondent failed to file a Notice of Defense within 15 days after service
20 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
21 Accusation No. R-2066.

22 8. California Government Code section 11520 states, in pertinent part:

23 "(a) If the respondent either fails to file a notice of defense or to appear at the
24 hearing, the agency may take action based upon the respondent's express admissions or upon
25 other evidence and affidavits may be used as evidence without any notice to respondent."

26 9. Pursuant to its authority under Government Code section 11520, the Board
27 finds Respondent is in default. The Board will take action without further hearing, and based on
28 Respondent's express admissions by way of default and the evidence before it, contained in

1 Exhibit A, finds that the allegations, and each of them, in Accusation No. R-2066 are true.

2 10. The Board further finds that pursuant to Business and Professions Code
3 section 3753.5, the costs of investigation and enforcement of the case prayed for in the
4 Accusation total \$1,251.50 based on the Certification of Costs contained in Exhibit C.

5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent Jonathan M. Block
7 has subjected his Respiratory Care Practitioner License No. 12375 to discipline.

8 2. Service of the Accusation and the related documents was proper and in
9 accordance with the law.

10 3. The agency has jurisdiction to adjudicate this case by default.

11 4. The Board is authorized to revoke Respondent's Respiratory Care
12 Practitioner License based upon violations of Business and Professions Code sections 3750,
13 subdivision (d), 3752, and 490, and California Code of Regulations, Title 16, section 1399.370,
14 subdivision (c), conviction of a crime substantially related to the qualifications, functions or
15 duties of a respiratory care practitioner as alleged in the Accusation.

16 5. Respondent is hereby ordered to pay the above costs of investigation and
17 enforcement of this action.

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19 ORDER

20 1. Respiratory Care Practitioner License No. 12375, heretofore issued to
21 Respondent Jonathan M. Block, is hereby revoked.

22 2. If Respondent ever files an application for relicensure or reinstatement in
23 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
24 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
25 effect at the time the petition is filed.

26 3. Respondent is ordered to reimburse the Board the amount of \$1,251.50
27 for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not
28 relieve Respondent of his responsibility to reimburse the Board for its costs. Respondent's

1 Respiratory Care Practitioner License may not be renewed or reinstated unless all costs ordered
2 under Business and Professions Code section 3753.5 have been paid.

3 4. Pursuant to Government Code section 11520, subdivision (c), Respondent
4 may serve a written motion requesting that the Decision be vacated and stating the grounds relied
5 on within seven (7) days after service of the Decision on Respondent. The agency in its
6 discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in
7 the statute.

8 This Decision shall become effective on August 16, 2007.

9 It is so ORDERED July 17, 2007

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12 Original signed by: _____

13 LARRY L. RENNER, BS, RRT, RCP, RPFT
14 PRESIDENT, RESPIRATORY CARE BOARD
15 DEPARTMENT OF CONSUMER AFFAIRS
16 STATE OF CALIFORNIA
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